

REMARKS

The Applicants have studied the Office Action dated August 3, 2006. It is submitted that the application is in condition for allowance. Claims 1-39 are pending. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

- rejected the affidavit under 37 C.F.R. § 1.131 submitted by the Applicants on May 17, 2006;
- rejected claims 1-9, 11-31, and 33-39 under 35 U.S.C. §102(e) as being anticipated by Carroll, Jr. (U.S. Patent Application Number 2002/0085020); and
- rejected claims 10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Jr. (U.S. Patent Publication Number 2002/0085020) in view of Stapel et al. (U.S. Patent Publication Number 2002/0087571).

1.131 Affidavit

The Applicants submit that this response does not raise new issues in the application. The 1.131 Affidavit is the only issue. Per the Examiner's request the 1.131 Affidavit has been revised. It is submitted that the present response places the application in condition for allowance or, at least, presents the application in better form for appeal. Entry of the present response is therefore respectfully requested.

On May 17, 2006, the Applicants submitted an affidavit under 37 CFR 1.131 to overcome the Carroll reference. The Examiner rejected the submitted affidavit because it gave "*no clear direct relationship between the claims and the evidence documents.*" Although the Applicants respectfully disagree with the Examiner, the Applicants have filed another Affidavit herewith that clarifies the direct relationship between the claims and the evidence documents. To simplify the Examiner's review of the enclosed Affidavit, the Applicants have included an annotated red-line version to indicate the additional evidence provided along with the recitation of relationship with each claim element. For example on page 3 of the Office Action, the Examiner states "*the applicant attempts to make an association for the representative claims 1 (sic), but the*

relationship can not be seen. [...] not direct correspondence between the claimed elements and the evidence documentation can not be seen, for example: for the limitation of "receiving a user selection for a documents type." The Applicants have amended the 1.131 affidavit to clearly show support as follows where the underline is used to emphasize relationship as amended:

<p>receiving a user selection for a document type</p>	<p>Exhibit B, page 3 <u>under Scenario I</u>, step 2.3, describes the step of creating the appropriate fragment "<u>Start the task to create the appropriate fragment, fill it in, and check it in.</u>"</p> <p>Exhibit A, page 25 "<u>Create new content</u>" paragraph shows the process of creating new content. Here the user must select a document type from the <u>File > New Fragment</u> menu or the <u>File > New Page</u> menu. These menus list all the available DTD types and it generates a template, for display in the UI, from the DTD selected.</p> <p>Exhibit A, page 25 "<u>Create new content</u>" and Exhibit D, page 2 "<u>Create New Fragment</u>" and "<u>Create New Page</u>" sections describe the procedure that a user has to perform to select and create a new document abiding to a document type. The system point of view of this process is the "<u>reception of a user selection for a document type</u>".</p> <p>Exhibit K, line 1095 Function <u>getToolBarPane</u> shows creation of UI to allow user to select a "<u>new fragment or page</u>". Lines 1099-1105 creates the button to do the action, e.g., <u>iv_newButton.setToolTipText</u> ("<u>Create new fragment or page</u>");</p> <p>Exhibit K at line 760 Function <u>getFragmentTypeMenu</u> produces the menu for the user to select the type of DTD. Comment at 752-758 describes the function</p>
<p>selecting one of a plurality of document type definition types based upon the document type received;</p>	<p>Exhibit A, page 25, "<u>Create new content</u>" Here we are selecting a DTD based on the user selection of a document type. When the user has selected a type of document to create from the menu, the system retrieves the</p>

	<p><u>correct DTD from the "appropriate URL" and then generates the UI (template). Each URL represents a different DTD to use.</u></p> <p><u>Exhibit A, page 25 "Create new content" and Exhibit D, page 2 "Create New Fragment" and "Create New Page" sections. The user is presented with a list of types and selects one. The system selects the document type definition (DTD) corresponding to the chosen document type.</u></p> <p><u>Exhibit K at line 260-270</u> <u>createFragment(String lv_name)</u> <u>creates the appropriate fragment from the user selection. Comment before function (248-259) describes function action.</u></p>
<p>parsing one or more of a plurality of elements in the document type definition type selected;</p>	<p><u>Exhibit A, pages 9-10 shows the plurality of elements in a DTD in the Franklin specification of fragment and servable DTDs. Further Exhibit A, pages 9-10 refer to the UI types, i.e., requirements for user input and Exhibit A, pages 13-14 show an example of a servable DTD.</u></p> <p><u>Exhibit A, page 25 "Editor UI Widgets" the DTD is parsed and based on the DATATYPE generates the UI widget. Here we see the mapping from DATATYPE to java widget (e.g., string => JTextField)</u></p> <p><u>Exhibit A, pages 13-14 shows an example of a servable DTD and the set of elements that makes up that servable DTD. The system parses this plurality of elements to create the user interface; an example of such a user interface is shown on the right panel of Exhibit I, page 2 under <IMAGEFRAGMENT 3: title></u></p> <p><u>Exhibit L, lines 114-134)</u> <u>"/**</u> <u>* For the given DTD and content model node,</u> <u>create appropriate input widgets and add to the JPanel.</u> <u>...." this comment indicates the function</u> <u>createInterfaceForModel creates the widgets based on the DTD definition and the elements</u></p>

Further, over 140 pages of evidence with test results corroborating the reduction to practice has been submitted. The Applicants note that this identical evidence was deemed more than sufficient in the co-pending U.S. Patent Application Serial No. 09/747,871 (the '871 Application) entitled "Method and Apparatus For End-to-End Content Publishing System Using XML with An Object Dependency Graph" with inventors Peter E. Davis, Sara Elo Dean, Dikran S. Meliksetian, Jeffery Milton, Louis Weitzman, and Nianjun Zhou to swear behind a reference and thereby result in the allowance of the '871 Application. The present invention was filed on December 22, 2000 the same date as the '871 Application. The three inventors of the present invention are co-inventors on the '871 Application and the present invention '871 are commonly assigned to International Business Machines Corporation.

Accordingly, the Applicants hereby submit a new affidavit under 37CFR § 1.131, which provides a clear direct relationship between the claims and the evidence unequivocally demonstrates that the present invention was conceived and reduced to practice prior to the effective date of Carroll. Applicants submit that Carroll is now removed as a reference under 35 U.S.C. 102 and 103, and that the application is in a condition for allowance.

CONCLUSION

The Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: November 2, 2006

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